AMENDMENTS TO THE CLAIMS

This listing of claims will replace all prior versions and listings of claims in the application:

LISTING OF CLAIMS:

1. (currently amended): A toner formed of a material mainly containing polyester-based resin as a resin component, wherein

the polyester-based resin comprises block polyester mainly composed of a block copolymer, and amorphous polyester having crystallinity lower than that of the block polyester, wherein the block polyester comprises a crystalline block obtained by condensation of a diol component with a dicarboxylic acid component, and an amorphous block having crystallinity lower than that of the crystalline block, wherein the toner comprises rutile-anatase type titanium oxide, and wherein the melting point of the block polyester is 190°C or higher.

2. (original): The toner as claimed in claim 1, wherein the melting point of the block polyester is higher than the softening point of the amorphous polyester.

3. (original): The toner as claimed in claim 1, wherein the amorphous polyester contains a monomer component and the block polyester contains a monomer component, in which 50 mol% or more of the monomer component of the amorphous polyester 1s the same as the monomer component of the amorphous block of the block polyester.

4. (original): The toner as claimed in claim 1, wherein the compounding ratio between the block polyester and the amorphous polyester is in the range of 5:95 to 45:55 in weight ratio.

5. (original): The toner as claimed in claim 1, wherein the content of the crystalline block in the block polyester is in the range of 5 to 60 mol%.

6. (original): The toner as claimed in claim 1, wherein 80 mol% or more of the diol component constituting the crystalline block of the block polyester is aliphatic diol.

7. (original): The toner as claimed in claim 1, wherein the diol component constituting the crystalline block of the block polyester has a straight-chain molecular structure containing 3 to 7 carbon atoms and hydroxyl groups at both ends of the chain.

8. (original): The toner as claimed in claim 1, wherein 50 mol% or more of the dicarboxyllc acid component constituting the crystalline block of the block polyester has a terephthalic acid structure.

9. (original): The toner as claimed in claim 1, wherein the amorphous block of the block polyester contains a diol component, and at least a part of the diol component is aliphatic diol.

10. (original): The toner as claimed in claim 1, wherein the amorphous block of the block polyester contains a diol component, and at least a part of the dial component has a branched chain.

Claim 11 (canceled).

12. (original): The toner as claimed in claim 1, wherein the heat of fusion of the block polyester determined by measuring the endothermic peak of the block polyester at its melting point according to differential scanning calorimetry is 3 mJ/mg or greater.

13. (original): The toner as claimed in claim 1, wherein the weight average molecular weight Mw of the block polyester is in the range of 1×10^4 to 3×10^5.

14. (original): The toner as claimed in claim 1, wherein the block polyester is a linear polymer.

15. (original): The toner as claimed in claim 1, wherein the amorphous polyester contains a dicarboxylic acid component, and 80 mol% or more of the dicarboxylic acid component has a terephthalic acid structure.

16. (original): The toner as claimed in claim 1, wherein the weight average molecular weight Mw of the amorphous polyester is in the range of 5×10^3 to 4×10^4.

17. (original): The toner as claimed in claim 1. wherein the amorphous polyester is a linear polymer.

18. (original): The toner as claimed in claim 1, wherein the block polyester and the amorphous polyester are sufficiently soluble with each other, or the block polyester and the amorphous polyester are almost soluble with each other in which aggregated fine crystalline blocks of the block polyester are dispersed in the form of fine particles.

19. (original): The toner as claimed in claim 1, wherein the compounding ratio between the block polyester and the amorphous polyester is in the range of 5:95 to 20:80 in weight ratio, wherein the content of the crystalline block in the block polyester is in the range of 40 to 60 mol%.

20. (original): The toner as claimed in claim 1, wherein the compounding ratio between the block polyester and the amorphous polyester is in the range of 5:95 to 20:80 in weight ratio, wherein the softening point $T_{1/2}$ of the block polyester is in the range of 200 to 230°C.

21. (original): The toner as claimed in claim 1, wherein the content of the polyester-based resin in the toner is in the range of 50 to 98 wt%.

22. (original): The toner as claimed in claim 1, wherein the rutile-anatase type titanium oxide has been subjected to a hydrophobic treatment.

23. (original): The toner as claimed in claim 1, wherein the rutile-anatase type titanium oxide is added as an external additive.

24. (original): The toner as claimed in claim 23, wherein the external additive further contains a substance other than the rutile-anatase type titanium oxide.

25. (original): The toner as claimed in claim 24, wherein the substance other than the rutile-anatase type titanium oxide is negatively-chargeable silica.

26. (original): The toner as claimed in claim 25, wherein the shape of the rutile-anatase type titanium oxide is a nearly fusiform, wherein when the average major axial diameter of the rutile-anatase type titanium oxide is defined as D_1 (nm) and the average grain size of the negatively-chargeable silica is defined as D_2 (nm), D_1 and D_2 satisfy the relation $0.2 \leq D_1/D_2 \leq 15$.

27. (original): The toner as claimed in claim 23, wherein the coating ratio of toner particles of the toner with the external additive is in the range of 100 to 300 %.

28. (original): The toner as claimed in claim 1, wherein the toner contains crystals mainly formed of the crystalline block.

29. (original): The toner as claimed in claim 28, wherein the average length of the crystals is in the range of 10 to 1,000 nm.

30. (original): The toner as claimed in claim 28, wherein the rutile-anatase type titanium oxide is comprised of nearly fusiform powder particles, wherein when the average major axial diameter of the powder particles is defined as D_1 (nm) and the average length of the crystals is defined as L_c (nm), D_1 and L_c satisfy the relation $0.02 \leq D_1/L_c \leq 3$.

31. (original): The toner as claimed in claim 1, wherein the rutile-anatase type titanium oxide is comprised of nearly fusiform powder particles having an average major axial diameter of 20 to 100 nm.

32. (original): The toner as claimed in claim 1, wherein the content of the rutile-anatase type titanium oxide is 2 wt% or less.

33. (original): The toner as claimed in claim 1, wherein the rutile-anatase type titanium oxide contains titanium oxide having a rutile type crystal structure and titanium oxide having an anatase type crystal structure, and the abundance ratio between the titanium oxide having a rutile type crystal structure and the titanium oxide having an anatase type crystal structure in the rutile-anatase type titanium oxide is in the range of 5:95 to 95:5 in weight ratio.

34. (original): The toner as claimed in claim 1, wherein the rutile-anatase type titanium oxide absorbs light in the wavelength region of 300 to 350 nm.

35. (original): The toner as claimed in claim 1, wherein the average roundness R determined by the formula $R= L_0/L_1$ is in the range of 0.90 to 0.98, where L_1 (μm) is a circumferential length of a projected image of a toner particle of the toner which is an object to be measured, and L_0 (μm) is a circumferential length of a true circle having an area equal to the area of the projected image of the toner particle of the toner which is an object to be measured.

36. (original): The toner as claimed in claim 1, wherein the average particle size of the toner is in the range of 3 to 12 μm.

37. (original): The toner as claimed in claim 1. further comprising a wax.

38. (original): The toner as claimed in claim 37, wherein the content of the wax is 5 wt% or less.

39. (original): The toner as claimed in claim 1, wherein the acid value of the toner is 8 KOHmg/g or less.

40. (original): The toner as claimed in claim 1, wherein the toner is to be used with a fixing device which comprises a fixing roller, a pressure roller which is in contact with the fixing

roller under pressure through a fixing nip part, and a release member for use in releasing a recording medium which has been passed through the fixing nip part, from the fixing roller.

41. (original): The toner as claimed in claim 40, wherein the fixing device has a recording medium feed speed of 0.05 to 1.0 m/s.

42. (original): The toner as claimed in claim 40, wherein the releasing member is a plate-shaped member having a predetermined length in the axial direction of the fixing roller and/or the pressure roller.

43. (original): The toner as claimed in claim 40, wherein the release member is disposed on the further downstream side than the fixing nip part in the direction of conveying the recording medium.

44. (original): The toner as claimed in claim 40, wherein the release member is disposed in the vicinity of the fixing roller and/or the pressure roller.

45. (original): The toner as claimed in claim 40, wherein the fixing roller and the pressure roller are arranged almost in the horizontal state.

46. (original): The toner as claimed in claim 40, wherein the release member is disposed such that a gap between the fixing roller and the release member is kept substantially constant when the fixing device is operated.

47. (original): The toner as claimed in claim 40, wherein the release member is disposed along the axial direction of the fixing roller and has a shape that is suited for the shape of the exit of the fixing nip part.

48. (original): The toner as claimed in claim 40, wherein when an angle on the side of the fixing roller with respect to a tangent at the exit of the fixing nip part is defined as a positive angle and an angle on the side of the pressure roller with respect to the tangent at the exit of the fixing nip part is defined as a negative angle, the arrangement angle θ_A of the release member with respect to the tangent at the exit of the fixing nip part is in the range of -5 to +25°.

49. (original): The toner as claimed in claim 40, wherein the release member extends along the axial direction of the fixing roller and the pressure roller, and is disposed in the vicinity of the fixing roller and the pressure roller on the further downstream side than the fixing nip part in the direction of conveying the recording medium, and the fixing device further comprises a release member for the pressure roller, wherein the positioning of the release member for the fixing roller is performed by the surface of the fixing roller and the positioning of the release member for the pressure roller is performed by the surfaces of both bearings of the pressure roller.

50. (original): The toner as claimed in claim 49, wherein the length in the axial direction of the pressure roller is shorter than that of the fixing roller so that spaces are created at each end of the pressure roller, wherein the bearings are provided in the spaces, respectively.

51. (original): The toner as claimed in claim 40, wherein a gap G2 (μm) between the fixing roller and the release member in the vicinity of each end in the axial direction of the fixing roller is larger than a gap Gl (μm) between the fixing roller and the release member in the vicinity of the central part in the axial direction of the fixing roller.

52. (currently amended): A fixing device which fixes ~~for fixing~~ the toner claimed in claim 1 onto a recording medium.

53. (original): The fixing device as claimed in claim 52, which comprises:

a fixing roller;

a pressure roller which is in contact with the fixing roller under pressure through a fixing nip part; and

a release member for use in releasing a recording medium which has been passed through the fixing nip part, from the fixing roller.

54. (original): The fixing device as claimed in claim 53, wherein the fixing device has a recording medium feed speed of 0.05 to 1.0 m/s.

55. (original): The fixing device as claimed in claim 53, wherein the release member is a plate-shaped member having a predetermined length in the axial direction of the fixing roller and/or the pressure roller.

56. (original): The fixing device as claimed in claim 53, wherein the release member is disposed on the further downstream side than the fixing nip part in the direction of conveying the recording medium.

57. (original): The fixing device as claimed in claim 53, wherein the release member is disposed in the vicinity of the fixing roller and/or the pressure roller.

58. (original): The fixing device as claimed in claim 53, wherein the fixing roller and the pressure roller are arranged almost in the horizontal state.

59. (original): The fixing device as claimed in claim 53, wherein the release member is disposed such that a gap between the fixing roller and the release member is kept substantially constant when the fixing device is operated.

60. (original): The fixing device as claimed in claim 53, wherein the release member is disposed along the axial direction of the fixing roller and has a shape that is suited for the shape of the exit of the fixing nip part.

61. (original): The fixing device as claimed in claim 53, wherein when an angle on the side of the fixing roller with respect to a tangent at the exit of the fixing nip part is defined as a positive angle and an angle on the side of the pressure roller with respect to the tangent at the exit of the fixing nip part is defined as a negative angle, the arrangement angel θ_A of the release member with respect to the tangent at the exit of the fixing nip part is in the range of -5 to +25°.

62. (original): The fixing device as claimed in claim 53, wherein the release member extends along the axial direction of the fixing roller and the pressure roller, and is disposed in the vicinity of the fixing roller and the pressure roller on the further downstream side than the fixing nip part in the direction of conveying the recording medium, and the fixing device further comprises a release member for the pressure roller, wherein the positioning of the release member for the fixing roller is performed by the surface of the fixing roller and the positioning of the release member for the pressure roller is performed by the surfaces of both bearings of the pressure roller.

63. (original): The fixing device as claimed in claim 62, wherein the length in the axial direction of the pressure roller is shorter than that of the fixing roller so that spaces are created at each end of the pressure roller, wherein the bearings are provided in the spaces, respectively.

64. (original): The fixing device as claimed in claim 53, wherein a gap G2 (μm) between the fixing roller and the release member in the vicinity of each end in the axial direction

of the fixing roller is larger than a gap G1 (μm) between the fixing roller and the release member in the vicinity of the central part in the axial direction of the fixing roller.

65. (original): An image forming apparatus comprising the fixing device claimed in claim 52.

66. (new): The toner as claimed in claim 1, wherein the rutile-anatase type titanium oxide contains titanium oxide having a rutile type crystal structure and titanium oxide having an anatase type crystal structure, and the abundance ratio between the titanium oxide having the rutile type crystal structure and the titanium oxide having the anatase type crystal structure in the rutile-anatase type titanium oxide is in the range of 50:50 to 90:10 in weight ratio, and the rutile-anatase type titanium oxide is comprised of nearly fusiform powder particles having an average major axial diameter of 10 to 100 nm.